

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
AUSTIN DIVISION

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DDB Technologies, L.L.C.,

Plaintiff,

v.

MLB Advanced Media, L.P.,

Defendant.

Civil Action No. A04CA352

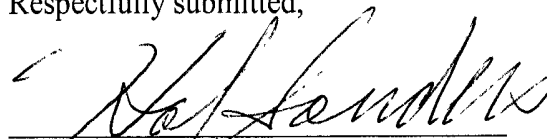
JURY DEMANDED

CORRECTION TO MLB ADVANCED MEDIA L.P.'S INITIAL MARKMAN BRIEF

Defendant MLB Advanced Media, L.P. ("MLBAM") files this its Correction to its Initial Markman Brief. In support of its filing of this Correction, Defendant states:

1. On April 29, 2005 MLBAM filed its Initial Markman Brief.
2. Due to a non-substantive stylistic error, MLBAM inadvertently mislabeled a column heading in its brief. On page 49 of the brief, the first column of the table is labeled "Means-plus-function Phrase". This column should be labeled "Term/Phrase" as these are not means-plus-function phrases. A corrected page 49 is attached hereto as Exhibit "A."
3. Exhibit A replaces page 49 of MLBAM's Initial Markman Brief.

Respectfully submitted,



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CERTIFICATE OF SERVICE


I certify that a true and correct copy of the foregoing was served upon the following counsel of record this 12th day of May, 2005.

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radio or TV station as already combined with every other station. Under that overly broad definition of “combine” – in which signals are never united or mixed together -- there is no way to separate. MLBAM’s proposed construction, on the other hand, is based on the dictionary definition which defines separating as “to set or put apart, disunite things previously united, joined or assembled.” (Ex. 54, Webster Def.). MLBAM’s proposed construction not only gives meaning to the term “combining,” but is fully supported by the plain meaning of the term.

P. Additional Terms/Phrases To Be Construed

Term/Phrase	MLBAM’s Construction and Support	DDB’s Construction and Support
“Status”/“State” ⁵³	<u>Construction:</u> a set of circumstances or attributes characterizing a person or thing at specific time <u>Support:</u> The dictionary defines “state” as “a set of circumstances or attributes characterizing a person or thing at any given time.” (Ex. 55, Webster Def.).	<u>Construction:</u> information about the state of an event <u>Support:</u> None
“Selectively Producing” ⁵⁴	<u>Construction:</u> to choose or to pick out a portion or segment to bring to view <u>Support:</u> The dictionary defines “select” as “chosen in preference to another or others, picked out,” and defines “produce” as “1. to bring to view.” (Exs. 56-57, Webster Defs.).	<u>Construction:</u> to produce a selected portion <u>Support:</u> None
“Searching the stored signals to detect a match between a stored symbolic representation and a symbolic representation of subevents and status information of	<u>Construction:</u> to examine electronically the symbols recorded by the observer to locate a match with the pattern of interest entered by the viewer <u>Support:</u> The claim language itself and the specification explains that the computer searches through the sub-event information to locate a match with the pattern of interest entered by the viewer (symbolic representation of subevents and status information of interest). (See Ex. 4,	<u>Construction:</u> looking for something <u>Support:</u> None

⁵³ The term “status” is used in claims 1, 9, 15, 19, and 21 of the ‘479 Patent; claims 1, 5, 10, 15-16, 21, 24-25, 29, and 33 of the ‘862 Patent; claims 1, 8, 13, 18 of the ‘347 Patent; and claims 1-4, 6, 7, 9-11, 13, and 15 of the ‘630 Patent. The term “state” is used in claims 9, 14, 20, 23, 28, and 32 of the ‘862 Patent and claims 7, 12, and 17 of the ‘347 Patent.

⁵⁴ The term is used in claims 1 and 2 ‘630 Patent.

⁵⁵ The term is used in claims 3, 6, and 9 ‘630 Patent.

